THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.28198 OF 2005

Dt.2.1.2006

Between:

Thota Venkata Rao … Petitioner

And

The Revenue Divisional Officer,

Bandar, Krishna District and another … Respondents

ORDER:

The petitioner questions the order issued by the first respondent in proceedings vide Rc.C.378/2005 dt.19.4.2005 as illegal and arbitrary and consequently set aside the same and direct the respondents to continue the petitioner as fair price shop as usual.

The petitioner is a permanent dealer in respect of Intheru Village, Kruthivennu Mandal, Krishna District. Show cause notice dated 14.3.2005 has been issued making certain allegations and the petitioner filed his explanation on 28.3.2005. After receiving the said explanation and without completing the disciplinary proceedings, the first respondent suspended the authorization of the petitioner by order dated 19.4.2005 pending enquiry. As against the said order, the petitioner filed an appeal before the Joint Collector, Krishna District and the appellate authority while admitting the appeal rejected to grant stay of the operation of the order Revenue Divisional Officer, Bandar and directed him to finalize the case and pass appropriate orders within two months.

Even after expiry of two months, it is stated that the case has not been finalized and the petitioner shop has been kept under suspension for more than eight months. It is stated that the petitioner was already suffered substantial punishment by virtue of the said suspension order and therefore he requests to permit him to distribute essential commodities.

Heard the learned counsel for the petitioner and the learned Government for Civil Supplies.

Having regard to the facts and circumstances of the case, the first respondent is directed to complete the disciplinary proceedings and pass appropriate orders considering the explanation filed by the

petitioner in accordance with law within three weeks from the date of receipt of a copy of this order. If no such orders are passed, it is made clear that the suspension order of the petitioner for indefinite period shall be treated as illegal and without jurisdiction and the petitioner shall be permitted to distribute essential commodities treating that no suspension order is pending against him.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

2.1.2006

Note: Issue copy within three days

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